

**From:** [Swenson, Peter](#)  
**To:** (b)(6)(b)(6)  
**Subject:** FW: Back Forty Mine - Public Concern Response  
**Date:** Friday, November 25, 2016 1:21:00 PM  
**Attachments:** [EPA comments on MDEQ draft air permit for Back Forty Mine 10-26-16.pdf](#)  
[MI0059945 Aquila Back 40 EPA comment letter on draft NPDES permit 110216.pdf](#)  
[Aquila Back Forty 8-15-16 EPA 404 Comments.pdf](#)

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Dear (b)(6)(b)(6)(b)(6)(b)(6)(b)(6)

Thank you for your recent email message regarding the proposed Aquila Resources, Inc. Back Forty mine, northwest of Stephenson in Menominee County, Michigan.

The Michigan Department of Environmental Quality (MDEQ) has primary responsibility for regulating the Back 40 mine as the permitting authority. This includes implementing federal requirements under Section 402 of the Clean Water Act (CWA) (regulating wastewater discharges into waters of the United States), Section 404 of the CWA (regulating discharges of fill into waters of the U.S.), and the Clean Air Act (CAA) (regulating air emissions). MDEQ also operates a separate Permit to Mine program under state authority.

EPA maintains an oversight role for the MDEQ permits that implement federal requirements under the CWA and the CAA. EPA reviewed and commented on MDEQ's draft permit under CWA Section 402, and the draft air pollution construction permit issued pursuant to Michigan's Part 2 minor source construction permitting program. MDEQ solicited public comment on both of those draft permits through November 3, 2016. EPA's comment letters are enclosed. EPA will take your comments into consideration as it continues to review MDEQ's proposed actions after MDEQ reviews and responds to comments.

EPA objected to the issuance of a Michigan wetlands and inland lakes and streams permit (CWA Section 404) on August 15, 2016, because Aquila had not demonstrated compliance with the CWA Section 404. EPA also noted concerns regarding cultural resources and requested that MDEQ confirm its coordination with Michigan's State Historical Preservation Officer and Tribal archeologists. A copy of EPA's August 15, 2016 letter is also attached. On September 23, 2016, Aquila withdrew its CWA Section 404 application with the intention of reapplying to MDEQ, in which case there would likely be another public comment period and hearing for the wetlands and inland lakes and streams permit at a later date. EPA would restart its Section 404 oversight review of the project based on the new application.

Thank you for sharing your input on this project. Surface water permitting questions can be directed to Krista McKim, 312-312-353-8270 and [mckim.krista@epa.gov](mailto:mckim.krista@epa.gov). Wetlands permitting questions can be directed to Melanie Burdick at 312-886-2255 and [burdick.melanie@epa.gov](mailto:burdick.melanie@epa.gov). Air permitting questions can be directed to Constantine Blathras at 312-886-0671 and [blathras.constantine@epa.gov](mailto:blathras.constantine@epa.gov).

Sincerely,

*Peter Swenson (WW-16J)  
Chief, Watersheds and Wetlands Branch  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard*

Chicago, Illinois 60604  
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Begin forwarded message:

**From:** (b)(6)(b)(6)(b)(6)(b)(6)(b)(6)(b)(6)  
**Sent:** Wednesday, October 26, 2016 8:40 PM  
**To:** R5Hotline <[R5Hotline@epa.gov](mailto:R5Hotline@epa.gov)>  
**Subject:** Please save the Menominee River

Dear EPA,

This is a grave matter concerning Wisconsin that needs federal intervention. We implore you to protect the people of Wisconsin and Michigan from the will of a handful of people.

The same government entity responsible for the Flint Water Crisis is again turning its back on public health and safety in the interest of profits. The Michigan Department of Environmental Quality has approved many of the permits necessary to locate an open pit gold and zinc mine on the banks of the Menominee River, the river that forms the border between Michigan and Wisconsin. It's called the Back Forty Project.

As you know, open pit sulfide mining poses a significant danger to the public health and the environment through water, air and noise pollution.

The pit would be 83 acres large, and 750 feet deep, and located less than 150 feet from a river that empties into Lake Michigan. It would be located less than a third of a mile from an aging dam, built in 1927. Ore would be processed on site using cyanide leaching. The use of cyanide in mining is illegal in Wisconsin because of the danger it poses. Michigan will be exposing a Wisconsin river to this environmental threat. Vast amounts of rock would be newly exposed to air and water, creating acid rain. The rock would continue to leach potentially toxic heavy metals into the groundwater and river for generations to come.

The mine will operate 24 hours a day, 7 days a week, 365 days a year. An open pit mine operated in this manner creates unhealthy particulates in the air and strong odors that can make breathing difficult and poses the danger of asthma and lung cancer to the many people and animals living nearby.

In addition, in the northwoods especially, most people have never experienced the large-scale industrial noise and vibration this mine will create. It could be critically disruptive to human health, affecting sleep, concentration and mental health.

The Menominee River is a bass fishing destination and a critical spawning ground for one of the largest lake sturgeon populations in the Lake Michigan basin. The river flows into the bay of Green Bay, which is part of Lake Michigan, the second largest Great Lake, which provides fresh drinking water to tens of millions of people.

The Menominee River is part of the creation story for the Menominee Tribe of Indians, and the tribe has come out strongly against the mine for both cultural and environmental reasons. The tribe has promised lawsuits to protect those rights.

Public hearings have attracted hundreds of people opposed to the mine, and scant few in favor. Still, the Michigan DEQ is turning a blind eye to the people's will, lured instead by the promise of 150 jobs and millions in tax revenue for the state.

We feel it's a short-sighted, and potentially dangerous to allow a mine in this location. The potential gain from mining - a short-term profit for a handful of people - is not worth the risk of catastrophic consequences to the region and its people for generations to come.

There has to be a way to learn the lessons of the past, by protecting our water, our public health, and the environment from the will of a greedy few.

Thank you for your attention to this matter. Please do everything you can to protect this valuable Wisconsin resource. We've included the letter that was sent to the DEQ, further detailing the reasons this mine is too dangerous to approve.

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